

EMPLOYMENT

**Agreement Between the
UNITED STATES OF AMERICA
and GUATEMALA**

Effected by Exchange of Notes at
Washington March 22 and 23, 1990

with

Addendum



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“. . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

GUATEMALA

Employment

*Agreement effected by exchange of notes at
Washington March 22 and 23, 1990;
Entered into force March 23, 1990.
With addendum.*

The Department of State acknowledges receipt of the note #1607 dated November 16, 1989 from the Embassy of Guatemala regarding a bilateral work agreement between the Government of the United States and the Government of Guatemala.

Enclosed herewith is a proposed agreement based on the agreement submitted by the Embassy of Guatemala. Also enclosed is a proposed addendum which clarifies the categories of official personnel whose dependents are covered by the agreement.

Enclosures:

1. Bilateral Agreement
2. Addendum

Department of State,

Washington, MAR 22 1990

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The Department of State proposes to the Embassy of Guatemala that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Guatemala and dependents of employees of the Guatemalan Government assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purposes of this agreement,

"Dependents" shall include:

Spouses;

Unmarried dependent children under 21 years of age;

Unmarried dependent children under 23 years of age who are in full-time attendance as students at a post-secondary educational institution; and

Unmarried children who are physically or mentally disabled.

For the purposes of this agreement, it is understood that the term "employees assigned to official duty" includes diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and international organizations.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of Guatemala in Washington to the Office of Protocol in the Department of State. Upon verification that the person is a dependent of an official employee of the Guatemalan Government, the Guatemalan Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

In the case of dependents of employees who seek employment in Guatemala, an official request must be made by the United States Embassy in Guatemala to the Guatemalan Ministry of Foreign Affairs, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

(continued on next page)

The U.S. Government and the Guatemalan Government wish to clarify their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

The Department of State further proposes that, if these understandings are acceptable to the Government of Guatemala, this note and the Government of Guatemala's reply concurring therein shall constitute an agreement between our two governments which shall enter into force on the date of that reply note. This agreement shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

Department of State
Washington,

Addendum

The Department of State wishes to confirm with the Embassy of Guatemala that, for purposes of this agreement, the term "employees assigned to official duty" refers to persons employed at an embassy, consulate or mission to an international organization, or who derive privileges or immunities in the receiving state by virtue of a bilateral agreement. In particular, this definition includes personnel of the missions of the United States Agency for International Development (USAID) and the Regional Office for Central American Programs (ROCAP) in Guatemala, whether employed directly by it or under contract.

EMBAJADA DE GUATEMALA
2220 R Street, N.W.
Washington, D.C. 20008

The Embassy of Guatemala presents its compliments to the Department of State and has the honor to refer to its note dated March 22, regarding a bilateral work agreement between the Government of the United States and the Government of Guatemala.

According to the Department of State's proposition, the Government of Guatemala hereby concurs with the terms of the agreement and its addendum of clarification, referring to the categories of official personnel whose dependents are covered by the agreement. Consequently, it is agreed that with this reply, the agreement enters into force on this date.

The Embassy of Guatemala avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C.
March 23, 1990
Clas. E.3.2.
No. 467

